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Curfew4Canberra (C4C) Submission: Inquiry into the Effectiveness of Airservices Australia's (ASA) Management of Aircraft Noise

About Curfew4Canberra

C4C speaks on behalf of thousands of residents who expect to enjoy a good night's sleep undisturbed by aircraft noise. C4C was incorporated in January 2007 and is best described as a 'federation' of Community Councils and Residents' Associations from across the Canberra region. C4C is the peak body for community advocacy to gain a night-time curfew at Canberra Airport.

At the time of the formation of C4C, Canberra Airport had displayed on its website a report commissioned of consultant REHBEIN AOS (attached). This report contained details of the airport's plans to land and depart 334 large planes every night of the year. It is the view of C4C that such traffic movement will result in the intolerable disruption to residential amenity and that it must be restricted by a curfew now, because if aircraft movements even approach this level, community outrage will be so great that a curfew will be inevitable. This was acknowledged by NSW Planning Minister Hon, Frank Sartor. A curfew now will enable Canberra Airport and associated businesses reliant on Canberra Airport to plan appropriately.

Community Expectation – Undisturbed Sleep

There is a community expectation that Governments and the politicians who constitute Governments will protect families from night-time intrusion by intolerable aircraft noise.

The imposition of a curfew at Adelaide Airport demonstrates the commitment of both major political parties to protecting the night-time amenity of families. The Liberal Party member for Hindmarsh, Trish Draper who's Private Members' Bill for a curfew won the support of Prime Minister John Howard, and her successor Labor's Steve Georganis, were both committed to protecting their constituents from excessive night-time aircraft movements. Recent proposals to relax the curfew at Adelaide have been strenuously opposed by Mr Georganis.

The Parliamentary debate in the House of Representatives on Monday 19 October, 2009 in relation to Airservices Australia and Perth Airport, is yet another demonstration of the concern of politicians for their constituents.

A recent article in The Australian (6/12/2009) raised the issue of Prime Minister Rudd's concerns about the impact of aircraft noise on his constituents and his personal expenditure of \$30,000 in an attempt to challenge the new runway at Brisbane Airport on the grounds of aircraft noise impacts.

The position of the Hon. Anthony Albanese is rather anomalous. While totally opposed to any relaxation of the curfew at Sydney airport, he is equally opposed to a curfew at Canberra Airport which promotes itself as Sydney's second airport, and a night-time freight hub for Sydney. It seems, as Minister for Infrastructure, Transport, Regional Development and Local Government, Mr Albanese is happy to maintain the protection for his own constituents in Sydney while inflicting night-time aircraft noise on the residents of the Canberra-Queanbeyan region. In this respect, the Minister appears to have a conflict of interest.

COMMITTEE TERMS OF REFERENCE

The Committee has been asked to consider whether Airservices Australia has:

- a) conducted an effective, open and informed public consultation strategy with communities affected by aircraft noise;

C4C believes the answer to this question is a resounding NO. It has been the experience of C4C that ASA pays lip service to its responsibilities in this respect. Indeed in the ASA Annual Report for 2008-2009 at page 33, community consultation is listed last in a list of organisations and interest groups with which it has undertaken consultation. This lack of community consultation was highlighted in the House of Representatives debate on October, 2009;

- b) engaged with industry and business stakeholders in an open, informed and reasonable way;

It is the view of C4C that as a commercial service provider to the aviation industry, it has a profound conflict of interest in that its revenue driven relationship with the industry results in a partnership which precludes scrutiny and thus transparency, to the detriment of its broader responsibilities to the community;

- c) adequate triggers for public consultation under legislation and whether procedures used by Airservices Australia are compliant with these requirements;

It is the view of C4C, that regardless of the adequacy of the legislative requirements for public consultation, the compliance of ASA is minimalist and subordinate to its commitment to the interests of the aviation industry;

- d) is accountable, as a government-owned corporation, for the conduct of its noise management strategy;

C4C concludes that the answer to the question is NO. In its lack of reportage in the ASA Annual Report to the Federal Parliament, and in its attitude to questions raised in the proceedings of Estimates Committees of the Federal Parliament, ASA is dismissive and arrogant in relation to questioning of its noise management strategy;

- e) has pursued and established equitable noise-sharing arrangements in meeting its responsibilities to provide air traffic services and to protect the environment from the effects associated with aircraft for which it is responsible;

ASA has a clearly articulated policy in relation to noise sharing arrangements. However in the implementation of these policies in the Canberra/Queanbeyan region, particularly in relation to so-called "Noise Abatement Zones", ASA has been unreasonably cooperative with the land development interests of the ACT Government and the commercial interests of Canberra Airport. Over an extended period of time, Canberra Airport has engaged in a campaign to instil fear and uncertainty in the minds of the Canberra community by asserting that the approval of a particular land development proposal in Queanbeyan will result in noise sharing over Canberra. There is substantial evidence that this hysterical campaign has been

influential with politicians and some community organisations. However, such an outcome would be impossible under the ASA guidelines on noise sharing, yet ASA has never sought to clarify its policy, and, has allowed this atmosphere of fear to be cultivated.

- f) requires a binding Community Consultation Charter to assist it in consulting fully and openly with communities affected by aircraft noise; and

It is the view of C4C that AS is so profoundly conflicted by its commercial commitment to the aviation industry that not even a legislated Consultation Charter will be adequate to ensure full and open consultation with communities affected by aircraft noise. This can only be achieved by the establishment of a statutory authority totally independent of the aviation industry with power to enforce its findings and deliberations in relation to aircraft noise impacts;

- g) any other related matter;

One of the greatest problems faced by the community in dealing with ASA is its membership of an informal “Aviation Club”, which consists of the commercial interests in the aviation industry and others such as Commonwealth Departments of Defence and Transport. This includes the privatised airports, the airlines, the airfreight providers, the Airforce, the Department of Defence, and many others. The members of the “Aviation Club” are motivated by self interest in the pursuit of financial benefits or favourable public policy outcomes to the exclusion of concern for the environment and the amenity of the communities on which they impact. Their power is derived from the monopoly nature of the provision of airport facilities and the community reliance on the aircraft industry. As a regulator and service provider ASA is a fundamental component of this club and is profoundly conflicted in its pursuit of its other statutory responsibilities. Government must separate its commercial and regulatory functions to overcome this conflict.

Airservices Regulation of the ANEF at Canberra Airport

The Airport’s Act requires each airport to include in its Masterplan a set of ANEF contours. The preparation of these noise contours is the responsibility of the airport, which are subsequently endorsed by ASA. The ANEF contours are a critical component of the Masterplan as they describe aircraft noise impacts and are used as the basis of land use planning decisions near airports.

The process is initiated with a projection of the aircraft types and numbers of movements over a given period. These projections prepared by the airport are then translated into a series of contours.

ASA claims its responsibility is limited to checking the technical accuracy of the translation process and has no responsibility for checking the underlying assumptions.

In the case of Canberra Airport, the preparation of the ANEF is based on a report by the consultant REHBEIN AOS. A copy of this report has been removed from the Airports website but attached is a table extracted from the consultants report. This table projects day and night aircraft movements by number and type for a twelve month period.

In summary the table contains the following features:

1. Total number of flights - 285,040
2. Number of day flights - 161,500
3. Number of night flights - 122,086
4. There are 1256 day circuits and 198 night circuits
5. The range of aircraft types flying at night includes:

- Boeing 737-800
- Airbus A340
- Embraer 190
- Boeing 747-400
- Boeing 757-200
- Boeing 777-300

The recently endorsed Canberra Airport Masterplan fails to report – indeed conceals – that the ANEF contours are based on such an extraordinarily high level of aircraft movements – particularly at night. In the endorsed Masterplan there is no reference to these figures or any reference to the REHBEIN AOS report.

The ANEF projects that every night of the year there will be 334 flights or approximately 1 plane movement every 1 minute 25 seconds. It is proposed that 65 of these planes will be freight planes which are usually retired passenger planes of the older and noisier varieties. The noise impact will extend across the entire Canberra/Queanbeyan region. The reverse thrust of a 747 freighter landing at 3.00am on a still Canberra morning in winter will send explosive noise waves across the flood plain to the newly developed apartment complex on the Kingston foreshores and up the slopes of Red Hill. No suburb of North or South Canberra will be spared.

Similarly the noise of departing planes rapidly ascending to avoid the surrounding hills will impact on the townships of Gungahlin, Belconnen and Woden. This noise pattern will be repeated every 1 minute 25 seconds every night of the year.

By endorsing the Masterplan ANEF, Airservices Australia has endorsed this pattern of aircraft movement without any concern for its statutory responsibility in relation to aircraft noise. However this pattern of aircraft movements and the ANEF are totally inconsistent with Canberra Airport's projections as set out in the Masterplan which provides for only 30 jet aircraft per night and 20 turboprop/piston aircraft. The Canberra Airport includes these figures in its Masterplan, yet in the same Masterplan the ASA has endorsed a noise contour based on aircraft movements 10 times greater in number.

It is incomprehensible that Airservices endorses one element of a Masterplan - that is the ANEF contours - which is in absolute contradiction to another element being the airports own projection on freight movements and thus night-time aircraft noise.

Duplicity of Airservices at Senate Estimates - 20 October 2009

On 20 October 2009 Airservices Australia appeared before the Senate Rural and Regional Affairs and Transport Committee. Senator Nash asked of the ASA representatives a series of precise and concise questions – nine in number – about the air traffic figures which formed the basis of the ANEF endorsed in the Canberra Airport Masterplan. The Senator based her questions on a report of an interview on ABC radio of Minister Albanese in which he spoke of the airports “very ambitious plans in terms of forecast”. The forecasts of course were those outlined in the previous section of this submission which predict 285,040 aircraft movements upon which is based the ANEF endorsed by both the Minister and Airservices.

The Senator's opening question was quite simple and straight forward. She asked “Did Airservices or the department advise the minister on the accuracy of the growth projections in the plan and in the ANEF”. The answer was unsatisfactory and each subsequent question attempting to elicit the truth was answered in an equally unsatisfactory manner. The questions were treated with contempt.

Effectively Airservices stated that they were under no obligation to advise the Minister on the accuracy of the growth projections.

The combined responses of Mr Russell, Mr Dudley and Mr Wilson were duplicitous and evasive in the extreme.

In spite of the evasion and obfuscation one thing became absolutely clear. Canberra Airport was free to make any outrageous forecast about future traffic movement and it would not be challenged by Airservices Australia. Far from challenging the forecasts, by endorsing the ANEF upon which the forecast is based Airservices Australia has endorsed the forecasts themselves.

Accordingly, the Australian Government statutory authority responsible for providing “safe and environmentally sound” services to the Australian Aviation industry, believes and endorses that Canberra airport with one runway will manage 285,040 traffic movements in a year. That is a plane movement every 2 minutes, 24 hours a day, 365 days of the year without any allowance for weather, or any other constraining factor.

A reasonable person would say that this surely could not be so. But the evidence of Airservices Executive before the Senate Committee proves it to be the case. In the alternative, is not unreasonable to conclude that Airservices has conspired with Canberra Airport to produce exaggerated and unachievable air traffic movements which can in turn be translated into an exaggerated ANEF to suit their mutual interests. In its appearances before the Committee, ASA has a well briefed ally in Senator Heffernan who appears to have adopted the role of advocate of Canberra airport interests, as well demonstrated in the Hansard of 20 October, 2009.

Community Consultation Forums

In his forward to the Aviation White Paper, Minister Albanese stated “...it is essential that airport planning processes be more transparent and consultative...” The White Paper also proposed to establish an Aircraft Noise Ombudsman to improve Airservices consultative arrangements.

Also, within the White Paper is an undertaking to provide Planning Co-ordination Forums “...which will build on rather than replace existing mechanisms ...”, however, “...there is no intention at this stage to set prescriptive requirements for the Forums...” (Aviation White Paper, pp158).

All of these commitments to consultation; the appointment of an Ombudsman and the establishment of forums, sound wonderful in theory but without practical guidelines it is not possible to see an improvement on past practice.

Canberra Airport has paid lip-service to the consultation process by establishing a body known as the Canberra Airport Aircraft Noise Consultative Committee (CAANCC). This consisted of a number of community groups in NSW and ACT, Government Agencies and others engaged in the aviation industry. Membership was at the invitation of the Airport. The meetings were chaired and convened by

the airport, and agenda for meetings was determined by the airport. Queanbeyan City Council was a member.

In 2005, acting on a unanimous decision of the Queanbeyan City Council, the Mayor of Queanbeyan moved a motion at a meeting of the CAANCC calling for a curfew at Canberra Airport.

The response of the Airport was immediate. It abolished the CAANCC.

The Airport management subsequently established a new body which it named as the Canberra Airport Aircraft Noise Consultative Forum (CAANCF).

Membership was at the invitation of the Airport. Most community organizations in NSW were excluded from membership, and the number of Government agencies and non-community groups supportive of the Airport were increased. Canberra Airport controls and manipulates CAANCF which is not a true consultative forum. It is a sham.

By contrast with the Canberra experience, following the election of the Labor government in November 2007 and the member for Grayndler, Anthony Albanese became the Minister responsible for airports, he immediately reconstituted Sydney Airport Consultative Forum (SACF) and revised the terms of reference of its operation. Mr Vic Smith was appointed Chair and the composition was changed to reflect a true community representation.

It is significant that in its response to the Government's Aviation Green Paper, SACF expressed concern about the proposed requirement that airport lessees establish consultative structures which might 'water down' community engagement in respect to Sydney Airport and SACF. Minister Albanese sought to allay these fears by advising that Sydney Airport will remain a 'special case' and SACF will remain in place as the main forum for community engagement.

In Canberra's case, the CAANCF must be abolished and replaced by a Canberra Airport Consultative Forum with an independent Chair appointed by the Minister, membership consisting of elected parliamentary, local government and community representative and resourced by a levy on Canberra Airport, and that the Forum be serviced by an appointed Aviation Community Advocate.

A Curfew for Canberra

The citizens of the Canberra region can only rely on the information supplied by Canberra Airport to make judgements about the future of aircraft noise impacts. This submission has demonstrated the expectations of the Airport as endorsed by Airservices when it endorsed the ANEF in the Masterplan. No amount of

duplicity and evasion by the Airservices executives can avoid this fact. No artifice of Canberra Airport can conceal their intention to land a plane every one minute twenty seconds throughout the night.

It is unconscionable that Canberra Airport should seek to impose on the citizens of the Canberra region the suffering, inconvenience and destruction of residential amenity which will flow from the impact of a plane movement every one minute twenty second of every night of the year.

No responsible government can tolerate such an imposition on its citizens, and must move to protect its citizens by the imposition of a night-time curfew.

A Model Curfew

Curfews are in force at Sydney, Adelaide, Coolangatta and Essendon Airports. As well, a curfew is under consideration for Brisbane Airport. The details of the curfew vary from airport to airport, but no curfewed airport has an absolute prohibition on night-time aircraft movements.

Adelaide Airport provides a good example of a curfew in operation.

At Adelaide the curfew operates from 11.00pm to 6.00am.

During this period take offs and landings at the Airport are restricted to specific types of aircraft and operations. During the curfew period, aircraft must land on Runway 05, and must take off on Runway 23.

The principal categories of permitted operations are as follows:

Small (less than 34,000kg) noise certificated propeller driven aircraft and 'low noise' jets (mostly business and 'small' freight jets – these are specified on a list which has been Gazetted by the Minister) are allowed to operate without a quota on the number of their movements.

Under Regulation 5 low noise heavy freight aircraft are permitted a maximum number of 15 take-offs and a maximum number of 25 landing per week during curfew periods.

National Jet Systems have specific approval for BAe146 aircraft undergoing scheduled maintenance or major defect rectification at National Jet Systems' Adelaide Airport base to operate, subject to National Jet Systems seeking a dispensation for each flight.

Regulation 4 provides for international passenger movements between 11pm and

midnight and between 5am and 6am (the curfew shoulder periods) subject to:

- Jet aircraft meeting the strictest ICAO noise standards
- No more than 8 movements per week (maximum number of take-offs is 0, and the maximum number of landings is 8)

During the curfew period, aircraft must land on Runway 05, and must take off on Runway 23, Under Section 15 of the Act, Runway 23 can be used for arrivals only when Runway 05 is declared by ATS to be operationally acceptable for arrivals.

The curfew restrictions do not apply in cases of emergency.

In exceptional circumstances the Minister may grant dispensations for aircraft to operate when they would not otherwise be allowed to do so. These must be issued in accordance with guidelines, which define what are 'exceptional circumstances'.

RECOMMENDATIONS

Recommendation 1.

Given the special consideration of a curfew at Brisbane Airport in the Aviation White Paper, Airservices Australia be required to prepare a noise impact analysis of the REHBEIN AOS predictions for Canberra Airport with particular reference to night-time aircraft noise;

Recommendation 2.

Legislation be introduced to ensure appropriate levels of community consultation by a statutory authority independent of Airservices Australia;

Recommendation 3.

That the commercial activities of Airservices be separated from its other responsibilities to avoid a conflict of interest;

Recommendation 4.

In the Canberra region, Airservices undertake a campaign to inform the community that they are protected from aircraft noise sharing by the guidelines of Airservices; and

Recommendation 5.

That the Canberra Aircraft Noise Consultative Forum be abolished and replaced the Canberra Aircraft Consultative Forum, with an independent Chair and broad community representation.

Brian Brown
Acting President
Curfew4Canberra

29 January 2010

Attachment:

Report commissioned of consultant REHBEIN AOS

